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death, is considered by the courts as disease, whereas death caused from blood poisoning caused by an abrasion on the toe as a result of a tight shoe, is accidental, (citing *Western Commercial Travelers Ass'n. v. Smith*, 85 Fed. 401, 40 L. R. A. 653,) whereas the distinction "if it exists, is so subtle as not to be capable of expression in language intelligible to any one but a physician." In the principal case the deceased had had "auto-intoxication"—a disease which may come from an injury or otherwise—about a month before and was attacked again immediately after this fall. The plaintiff, however, failed to prove that the fall actually caused the renewed attack, there being a possibility that the disease may have been a natural recurrence, regardless of any accident. The case seems to have been lost more through a failure of proof than any contract rule of law, as under the authority of *Freeman v. Association*, supra, the fact that the deceased was particularly susceptible to the disease would not have prevented a recovery were it shown that the accident actually caused this attack.

JUDGMENTS—COLLATERAL ATTACK FOR FRAUD.—H., a director of the defendant lumber corporation, became an accommodation endorser on some of its notes; having been obliged to pay the amount of the notes, he sued the defendant corporation for the sum so paid and recovered judgment by confession of its president. Subsequently the plaintiff, also a creditor of the defendant lumber company, recovered a judgment upon his claim. The latter now seeks by this suit in equity against the lumber company, H. and others to have the judgment in favor of H. against the lumber company subordinated to his own, charging H. with fraud in procuring the same. The alleged fraud consisted of delay caused to plaintiff in pursuit of his remedy by H's assurance that he would be taken care of. *Held*, the court having had jurisdiction, its judgment could not be attacked collaterally by plaintiff and that the evidence failed to establish fraud on the part of H. *Irvine v. Randolph Lumber Corporation et al.* (1910), — Va. —, 69 S. E. 350.

It is undoubtedly the general rule that parties to an action will not be permitted to assail the judgment collaterally for fraud because, having had their day in court, they are estopped. FREEMAN, JUDG., §§ 334 and 335; *Randolph v. King*, Fed. Cas. No. 11560 (2 Bond 104); *Boston etc. R. R. Corp. v. Sparhawk*, 1 Allen 448, 79 Am. Dec. 750. But a contrary doctrine seems to have found favor with some courts, *Hall v. Hamlin*, 2 Watts 354; *Phelps v. Benson*, 161 Pa. 418, 29 Atl. 86. That a judgment may be collaterally impeached by strangers at any time on the ground of fraud or collusion is a doctrine which must be accepted as settled by a long and unbroken chain of authorities, *Greene v. Greene*, 2 Gray 361; *Michaels v. Post*, 21 Wall. 398, 427; but the proposition as stated above must be taken subject to certain limitations, for the right to attack a judgment collaterally is given only to those strangers who, if the judgment is allowed full operation and effect, would be injured in some pre-existing right, *Simpson v. Kimberlin*, 12 Kan. 579; *Sechrist v. Green*, 3 Wall. 744, 18 L. Ed. 153.

JUDGMENTS—NECESSITY FOR SEAL ON PROCESS.—Rev. St. 1895, Art. 1447 of Tex. provides that all writs and processes shall be attested by the clerk